

**THE HIGH COURT OF MADHYA PRADESH, INDORE  
BENCH**

**MCRC No.23234/2021**  
**Jitendra vs. State of M.P.**

**Indore, dated:03.08.2021**

Shri M.S. Chouhan, learned counsel for the applicant.

Shri D.S. Chouhan, learned counsel for the non-applicant –  
State.

With the consent of parties, heard finally.

This is 2<sup>nd</sup> bail application under Section 439 of Cr.P.C. for grant of bail. The applicant is implicated in Crime No.265/2020 registered at Police Station Avantipur Badodiya District Shajapur for the offence punishable under Sections 307, 326, 323, 294, 506/34 of IPC. He is in custody since 24.11.2020.

First application MCRC No.2546/2021 was dismissed as withdrawn on 20.01.2021.

Learned counsel for the applicant submits that as per prosecution story, the incident had taken place on 08.11.2020 whereas Dehati Nalish was recorded on 14.11.2020. There is no reasonable explanation for the delay. In fact, it was a free fight and family members of the present applicant were beaten by other side. First report was lodged by family members of present applicant. As per prosecution story, the applicant used iron pipe to assault Dinesh. The medical report of Dinesh does not suggest any such grievous injury. The applicant is first offender. He is in custody since 24.11.2020. Charge sheet has been filed. The applicant will not temper the evidence and material. He may be enlarged on bail.

The prayer is opposed by learned Counsel for the State. However, he fairly admitted that (i) challan has been filed (ii) applicant does not have any criminal record; (iii) there exists no material to explain the delay in lodging Dehati Nalish after six days.

I have heard the parties at length and perused the record.

Considering the aforesaid, period of custody, challan has been filed, the applicant is first offender & conclusion of trial will take time, I deem it proper to enlarge the applicant on bail. The application filed by the **applicant Jitenra S/o Parmanand Kheti** is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with one solvent surety of the like amount to the satisfaction of the trial court for his regular appearance before the trial court during trial with a condition that he shall remain present before the court concerned during trial and shall also abide by the conditions enumerated under section 437(3) Cr.P.C.

With the aforesaid, the application stand disposed of.

Certified copy, as per rules.

**(Sujoy Paul)**  
**Judge**

amit